

DANIEL UMPA, individually and on behalf of )  
all others similarly situated, )

Plaintiffs,

V.

NATIONAL ASSOCIATION OF REALTORS,  
ET AL.,

Defendants.

Case No. 4:23-cv-00945

Hon. Stephen R. Bough

## Oral Argument Requested

**DEFENDANTS EXP WORLD HOLDINGS, INC. AND  
EXP REALTY, LLC'S RULE 12(b)(6) MOTION TO DISMISS**

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*Attorneys for Defendants eXp World Holdings, Inc. and eXp Realty, LLC*

Defendants eXp World Holdings, Inc. and eXp Realty, LLC (collectively, “eXp”), through their undersigned attorneys, respectfully submit this Rule 12(b)(6) Motion to Dismiss the Complaint. This Motion does not address claims brought on behalf of putative class members who are bound by arbitration clauses and/or class action waivers, which claims, if brought at all, must proceed in arbitration. Contemporaneously with this Motion, eXp has filed a Separate Rule 12(F) Motion To Strike Class Allegations As To Arbitrating Class Members.

As for this Motion to Dismiss, the Complaint’s allegations against eXp are insufficient to allege a plausible conspiracy claim to violate Section 1 of the Sherman Antitrust Act. For this reason, and those set forth in Defendants eXp World Holdings, Inc and eXp Realty, LLC’s Suggestions In Support Of Their Separate Rule 12(b)(6) Motion To Dismiss, eXp respectfully requests that this Court: (a) dismiss the Complaint; and (b) grant eXp such other and further relief as is appropriate.

Respectfully submitted,

EXP WORLD HOLDINGS, INC. and  
EXP REALTY, LLC

By: /s/ Stephen J. Siegel  
One of Their Attorneys

**CERTIFICATE OF SERVICE**

The undersigned attorney, upon oath, hereby certifies that on February 26, 2024, he caused a true and correct copy of the foregoing to be filed electronically with the Court's CM/ECF system, and that notice of this filing was sent by electronic mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to receive electronic filings as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Stephen J. Siegel